

Commercial/Industrial Development Standards Response Paper

This document contains proposals presented to the Citizens Advisory Committee (CAC) members, a summary of the views expressed by CAC members, and DPD's responses to these comments in italics. A full description of the original proposal presented by DPD to the CAC can be found in the document entitled Commercial/Industrial Development Standards Policy Paper, dated October 2009.

General Information: DPD, with input from the Shoreline Master Program (SMP) CAC, recognizes that water-related businesses are essential to the economic health of water-dependent businesses and we do not believe that there should be a large distinction between these two types of uses. However, a clear definition of both "water-dependent" businesses and "water-related" businesses is needed to meet the Department of Ecology's SMP update requirements (WAC 173-26). Therefore DPD will clearly define water-dependent and water-related and proposes to allow water-related uses on waterfront parcels in the Urban Industrial and Urban Maritime shoreline environments.

1. Caretaker units. Residential uses are limited or prohibited in UM and UI environments to protect water dependent and water-related business in the shoreline jurisdiction. Caretaker units present potential conflicts.

- a. Which uses typically require 24-hour caretakers?
- b. For water-dependent and water-related business, is the need for caretaker units linked to uses or parcel size? If so, how big does a parcel need to be require a 24-hour caretaker? What is the appropriate maximum size for caretaker units that will allow necessary caretakers (Current code allows 800 square feet)?
- c. Other suggestions for how the code can be more specific about when and where caretaker units are allowed so that we can avoid conflict between industrial uses and residential uses?

Pros	Cons	General Comments
<ul style="list-style-type: none"> Allow if they meet general criteria that minimize potential conflicts, or only if they meet strict, prescriptive criteria Should be the property owners decision as to whether a caretaker unit is needed Why are regulations needed – worse case scenario is that there is a penthouse existing in the UI or UM environment 	<ul style="list-style-type: none"> Potential concern for industry due to potential conflicts between industrial and residential uses including noise complaints, traffic, and displacement of industrial uses. 	<ul style="list-style-type: none"> Current code too ambiguous – provide clear language as to when a caretaker unit is allowed and what a caretaker unit is. Question as to whether there really is a problem with noise complaints from occupants of caretaker units? "Slippage" could be a problem, i.e. caretaker units could be rented or expanded in the future,

<ul style="list-style-type: none"> • Potential benefit industrial properties as they could provide additional security and income. • <i>Question: The purpose of a caretaker unit is to provide a service to the property owner; therefore, why would a caretaker unit provide income?</i> 		<p>introducing residential uses where they aren't appropriate. The property owner should have to demonstrate their need, then continue to demonstrate the original need throughout future uses.</p> <ul style="list-style-type: none"> • Find the spot between being specific enough to allow a clear interpretation, but general enough not to be overly complicated and restrictive.
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Overall, comments suggested that caretakers units should be allowed under limited circumstances and that use criteria should be carefully written to avoid confusion and balance diverging opinions.

DPD recommends that caretaker units should be allowed as an accessory use with a clear definition of a caretaker unit and clear development standards.

2. Vegetated buffer setbacks. Best available science suggests that at minimum, a 50' vegetated buffer along all shorelines is needed to protect ecological functions. Plants and trees provide shade to shallow-water areas, can improve water quality, and provide habitat for birds and beneficial insects. Even our most heavily impacted shorelines are migratory routes for salmon, and could benefit from more vegetation.

That said, a 50-ft buffer isn't compatible with many shoreline uses, especially in industrial areas. A DPD aerial photo analysis of UM and UI environments suggests that in Lake Washington and the Ship Canal, approximately 10-25% of waterfront parcels could accommodate some amount of shoreline vegetation and approximately 50% of the parcels along the Duwamish could accommodate some shoreline vegetation.

What incentives or bonuses could DPD use to encourage building setbacks and increase the amount of vegetation along the shoreline?

Pros	Cons	Comments
<ul style="list-style-type: none"> • Reducing existing regulatory requirements, such as reduced view corridors, public access, and optional height bonus, in exchange for desired buffers easier for industry. • Provide money incentives, tax benefits for vegetated buffers, such as King County's Public Benefit Rating System (PBRs). • Consider a lease easement to the City or State, like the Conservation Reserve 	<ul style="list-style-type: none"> • Do not consider the above reductions – view corridors and public access must be protected on all shorelines, including industrial areas. • Tradeoffs with other requirements represent compromise on other important goals such as views or public access for ecological benefit. 	<ul style="list-style-type: none"> • Connect to the Restoration Plan, coordinate with all habitat planning • Expedited regulatory review and extra incentives for multiple side-by-side properties is another option. • Clarify the ways in which projects with buffers

Enhancement Program (CREP) that is available for farms. • Yes, need regulatory requirements.		already face an easier regulatory process
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As described in the above table, no consensus emerged over the degree to which vegetation and setbacks should be achieved through regulatory means versus incentives.

DPD will propose building setback for all uses in commercial and industrial. We are currently in the process of evaluating best available science on the subject to determine a standard that appropriately balances ecological and economic goals and takes into account existing development patterns. We will continue to seek revegetation as part of mitigation plans to increase vegetation in these areas. DPD will also evaluate other options for encouraging additional setbacks and vegetation, where appropriate. In doing so, we will prioritize approaches that do not compromise other goals such as public access and seek to utilize existing programs such as the PBRs system.

3. Green infrastructure. Industrial zones contain the most intense land uses in terms of lot coverage and impervious surfaces. Landscaping, which can provide stormwater benefits, mitigation of the urban heat island effects, wildlife habitat, and improved air quality, is usually constrained on industrial sites. Trees and other plantings are often not compatible with moving large equipment. Innovative stormwater technologies that encourage infiltration, like permeable paving and bioswales, are limited by the presence or possible presence of soil and groundwater contamination.

Where are trees and other plantings feasible, and how could DPD effectively encourage them in these locations? What incentives or bonuses could be used to encourage green roofs and vegetated walls on buildings in industrial zones? How else could the City encourage innovative stormwater management on industrial sites, taking into consideration the challenges presented by potentially contaminated soils?

Pros	Cons	Comments
<ul style="list-style-type: none"> Coordinate with the City's green building efforts and tie to mitigation if possible. Consider trading off with view corridors, allow more upland development. Look at Marysville downtown master plan for good examples of low impact development practices. 	<ul style="list-style-type: none"> SMP might not be an appropriate place to address low impact development provisions as it requires review by the State Department of Ecology and these provisions can be fairly complicated. This should be handled in a different part of the code. Keep the SMP simple. Do not trade off with view corridors; views must be protected on all shorelines including industrial areas. Think about this for all industrial areas – they all contribute stormwater to the same system, so shoreline properties shouldn't be singled out differently. 	<ul style="list-style-type: none"> If green infrastructure is addressed in the SMP, it was suggested that it be closely coordinated with the City's green building efforts and the mitigation process generally.
• Water quantity isn't a big issue on	• Unfair to create additional	• Should focus on water

these shorelines (but water quality is). Any low impact development provisions should be designed accordingly. <ul style="list-style-type: none"> Water quality should be specifically addressed as part of the Shoreline Alternative Mitigation Program (SAMP). 	stormwater requirements for shoreline properties when all properties discharge to a sewer system.	quality rather than water quantity as quantity is not an issue for shorelines
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Additional Questions:

How would this relate to buffers?

DPD will be working with SPU to determine if the proposed revised Seattle stormwater regulations will meet the state's SMP update requirements (WAC 173-26). If DPD determines that they will meet the requirements then the revised stormwater regulations will be required under the new Shoreline Master Program. If DPD determines that they do not then DPD will evaluate what additions to the stormwater regulations will be required to meet the WAC guidelines. Buffers are a separate issue that will be addressed through development standards.

4. Allowing non-water-dependent or non-water-related uses on waterfront lots.

New SMP guidelines allow for mixed use development on sites when it has been determined through an economic study that there is no demand for water dependent or water-related uses. The Office of Economic Development is currently doing a study that will help us answer this question. If mixed use is allowed, what types of non-water dependent uses should be allowed and what types of limitations should be put on non-water dependent uses?

Pros	Cons	Comments
<ul style="list-style-type: none"> Allowing non-WDWR uses in commercial and industrial areas as demand by WDWR business was not very high and that a mix of uses helps to keep these properties viable when demand is low would improve conditions for industry. Industrial property owners do not want to lose options for the uses allowed on their property. Support museums that are truly water dependent or water-related on both waterfront and upland lots. It was also commented that the primary purpose of setting allowed uses and conditions should be industrial preservation. Some commercial uses are more compatible/complimentary than others. For example, boat storage racks should be allowed, cabarets should not. 	<ul style="list-style-type: none"> Other uses, particularly commercial would push out existing industrial uses Primary purpose of setting allowed uses and conditions should be industrial preservation Non-water-dependent museums should not be allowed Allowing mixed uses could snowball and push out industrial uses Concern about increasing the number of uses that were prohibited outright as they felt the conditional use requirements was sufficiently stringent to prevent uses that could cause a conflict with existing uses. Keep existing code language that allows some non-WD/WR uses as conditional uses. Proposed prohibitions ("X's") of 	<ul style="list-style-type: none"> Term "water-related" should capture any use that benefits from proximity to water Some people felt that the conditions for being allowed (i.e. potential conflicts with other uses) were more important than specific use. Little discussion was given to the types of WDWR uses that should be allowed; however, some members felt that the conditions for being allowed (i.e. potential conflicts with other uses) were more important than specific use. Conditions in Duwamish are different than those in

<ul style="list-style-type: none"> • Conditions are more important than the specific use. 	<ul style="list-style-type: none"> • many existing uses will make maintenance and upkeep more difficult. 	the Ship Canal.
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DPD has updated the original Use Tables for the UI and UM environments to reflect discussions and to include information regarding which non-water dependent uses may be allowed based on the conomic study to determine the demand for water-dependent and water-related uses.

5. Are there other limitations or requirements that should be included if non-water dependent uses are allowed on waterfront lots? Should **recreational marinas and/or yacht**, boat and beach clubs be allowed in the UI or the UM shoreline environments? Should **water-related museums** be allowed on waterfront and upland lots, or just upland lots? What type of **institutional uses** should be allowed on upland lots?

Recreational marinas and yacht, boat and beach clubs in the UI and UM environments
Members were divided over the degree or circumstance under which they should be allowed in UI and UM environments.

Pros	Cons	Comments
<ul style="list-style-type: none"> • Recreational marinas do not represent a major use conflict and should be allowed in the UI and UM environment 	<ul style="list-style-type: none"> • Yacht, boat, and beach clubs might generate more traffic and noise complaints • Recreational marinas could cause displacement of existing industrial uses 	<ul style="list-style-type: none"> •

DPD has modified the original proposal to permit existing recreational marinas and yacht boat and beach clubs. Therefore non-conforming uses will not be created from this proposal. New recreational marinas would not be allowed, in order to prevent conflict between recreational and industrial uses. Note that recreational moorage will continue to be allowed in commercial marinas.

Institutions

There was little discussion of this topic; however, water-related museums were generally considered to be compatible if they were truly water-related.

Pros	Cons	• Comments
<ul style="list-style-type: none"> • Water-related museums are generally considered to be compatible if they were truly water-related such as the Aquarium 		

Water-related institutions including water-related museums will be allowed in the UI and UM environments.

7. Uses and Development Standards in Urban Harborfront Environments

Bus parking

A prohibition on bus bases was supported broadly as these uses are big polluters and not an appropriate or effective use of land in the shoreline area.

DPD will change the proposed use table consistent with these comments.

Proposal to prohibit overwater parking

Pros	Cons	• Coments
<ul style="list-style-type: none"> • Support the concept – overwater parking is not an appropriate use for finite shoreline parcels 	<ul style="list-style-type: none"> • Could result in substantial constraints on any future development or changes in use • City should be especially flexible when it came to allowing continued use of existing overwater parking (potentially through a conditional use review) as strict standards could prevent people from undertaking any modifications. 	<ul style="list-style-type: none"> •

DPD is reevaluating these standards.

Interface between SMP and waterfront planning

The committee broadly expressed concern that changes relating to the viaduct removal and redevelopment of the waterfront raise land use issues that the City and the Committee could not predict at this time. It was advised that the City revisit this designation after the waterfront planning process had progressed further. Some people expressed a concern that proposals currently being considered could narrow the broader planning process and should be tabled entirely.

DPD will revisit the UH environment in a year; however, the timeline of the SMP update process may make it difficult to consider significant changes beyond this point.